5718920/2022/TW-LTR-SOW01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TW Dept., – LTR - Smt. Mulakalapalli Venkata Ramana W/o Bodaiah, R/O Gowridevipeta, Bhadrachalam (M), Khammam District - Revision Petition filed under the provisions of A.P.S.A.LT.R.1959 as amended by 1/70 - Land measuring Acs.1.00 gts in Sy.No.84/7 of Gowridevipeta (V), Bhadrachalam (M), Khammam District – Dismissed - Orders - issued.

SOCIAL WELFARE (TW.LTR.2) DEPARTMENT

G.O.Ms.No.20 **Dated: 06.04.2022**
Read the following:-

1. ADO LTR.No.12/ Bhadrachalam/2006, orders issued by the Agency Divisional Officer, Bhadrachalam , Khammam District, dated. 07.05.2007 on the petition filed by the Mandal Revenue Officer, Bhadrachalam , Khammam District .

2. C.M.A.No.226/2007, orders issued by the Addl. Agent to Govt., Bhadrachalam , Khammam District, dated. 21.06.2008 on the appeal filed by Smt. Mulakalapalli Venkata Ramana W/o. Bodaiah, R/O Gowridevipeta, Bhadrachalam (M), Khammam District .

3. Revision Petition filed by Smt. Mulakalapalli Venkata Ramana W/o. Bodaiah, R/O Gowridevipeta, Bhadrachalam (M), Khammam District, dt.03.12.2008.

4. Govt. Memo. No. 11609/LTR-2/2008, dated. 07.02.2009.

5. From the Addl. Agent to Govt., Bhadrachalam, Khammam District, dated: 24.03.2013.

6. Govt.Lr.No. 15026/40/LTR-2/2018, dated 22.01.2019, 16.08.2021, 02.11.2021 and 24.02.2022.

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O R D E R:

1. In the reference 1st read above, the Mandal Revenue Officer, Bhadrachalam has filed a complaint before the Agency Divisional Officer, Bhadrachalam, Khammam District, under Section 3 (1) of the APSALTR 1 of 1959 as amended by Regulation 1 of 1970 for restoration of the Petition Scheduled land in favour of Government after ejecting the respondents in East Godavari District.

(P.T.O.)

2. Based on the said petition, the Agency Divisional Officer, Bhadrachalam, Khammam District has issued dismissal orders vide ADO LTR.No.12/Bhadrachalam/2006, dated: 07.05.2007 in favour of the complaint filed by the Mandal Revenue Officer, Bhadrachalam, Khammam District under section 3 (1) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959, as amended by the Regulation 1 of 1970 for restoration of the Petition Scheduled land Acs.1.00 gts in Sy.No.84/7 of Gowridevipeta (V), Bhadrachalam (M), Khammam District from the non-tribal Respondent i.e. Smt. Mulakalapalli Venkata Ramana W/o. Bodaiah, R/O Gowridevipeta, Bhadrachalam (M), Khammam District.

3. Aggrieved by the above orders Smt. Mulakalapalli Venkata Ramana W/o. Bodaiah, R/O Gowridevipeta, Bhadrachalam (M), Khammam District has filed an appeal petition before the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District under Rule 8(2) of AP Scheduled Areas Land Transfer Rules 1/1969.

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Rampachodavaram, East Godavari District being the lower appellate authority in C.M.A.No. 226/2007, dated. 21.06.2008 has disallowed the appeal by upholding the orders of the Agency Divisional Officer, Bhadrachalam, Khammam District issued in ADO LTR.No.12/Bhadrachalam/2006, dated: 07.05.2007 and conformed the right of the Government over the land measuring Acs.1.00 gts in Sy.No.84/7 of Gowridevipeta (V), Bhadrachalam (M), Khammam District.

5. In the reference 3rd read above, Smt. Mulakalapalli Venkata Ramana , W/o. Bodaiah, R/O Gowridevipeta, Bhadrachalam (M), Khammam District has filed Revision Petition before the Government under the provisions of A.P.S.A.L.T.R., 1959 against the orders passed by the Project Officer, ITDA/Additional Agent to Government, Bhadrachalam (M), Khammam District in C.M.A. 226/2007, dated. 21.06.2008, to the land measuring Acs.1.00 gts in Sy.No.84/7 of Gowridevipeta (V), Bhadrachalam (M), Khammam District vide reference 2nd read above

6. The Revision Petition filed by Smt. Mulakalapalli Venkata Ramana W/o. Bodaiah, R/O Gowridevipeta, Bhadrachalam (M), Khammam District, Government while admitting the same have called for parawise remarks along with connected case records from the Additional Agent to Government, Bhadrachalam (M), Khammam District in the reference 4th read above.

7. The Addl. Agent to Govt. (P.O., I.T.D.A.), Bhadrachalam (M), Khammam District District has furnished the parawise remarks along with connected case records on 24.03.2013 in the reference 5th read above.

8. In the reference 6th read above, both the parties and their councils were called for the hearings. Accordingly, hearings were conducted on 09.02.2019 23.08.2021, 20.11.2021 and 12.03.2022. The Special Deputy Collector, Rampachodavaram and the Council for the petitioner have attended the hearing and upon perusing the records/ evidences/ grounds filed by the Revision Petitioners, the Appellant Authority have come to the conclusion and opined/ observed that:

- During the course of hearing of the case it is argued the as per the grounds in the revision petition and stated that no prohibitory transfer involved in the present case and the revision petitioner is in possession of the land which was acquired given by her husband's brother at time of her marriage as pasupu-Kumkuma and there is no transfer and prays to set aside the order so the lower authorities.
- On verification of the grounds in revision petition, the documents and written arguments and Para wise remarks as well as the other documents and material available on the record it is noticed that lower authority observed that the revision petitioner failed to produce any document in support of her claim and further it is it is observed that the scheduled land was purchased and I sin possession of land in contravention of regulation.

- It is observed apart from the above that as seen from the record that the revision petitioner failed to produce any document in support of her case and failed to discharge her burden as per regulations. The concurrent findings of lower authorities need no interference.

- That taking consideration of the above and the material available on the record that it can be concluded that the primary authority and appellant authority passed the orders as per law which does not deserve any interference and accordingly the same is hereby upheld and the revision petition is hereby dismissed.

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9. After careful examination of the Revision Petition, Government in exercise of the powers u/s (6) of APSALTR 1/59 as amended by 1/70 do hereby order for ejection of respondents from petition scheduled land and for restoration of the same to the Government for on ward assignment to the eligible tribes.

10. The Collector & District Magistrate, East Godavari District, Kakinada, is requested to take necessary action in the matter accordingly and **acknowledge the receipt of the case records, which are returned herewith.**

11. This order shall be published in apegazette.cgg.gov.in.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT

To
(1) The Collector & District Magistrate, East Godavari District, Kakinada, PIN 533001. (w.e)
(2) The Additional Agent to Govt. cum Project Officer, ITDA, Rampachodavaram, East Godavari District. PIN-533288
(3) The Special Deputy Collector, Rampachodavaram, East Godavari District. PIN-533288.
(4) The Tahsildar, Etapaka (M), East Godavari District. PIN-533
(5) Sri Mummaneni Srinivasa Rao & Smt.M.Sailaja, Advocates,
6-3-598/7/5, Shanthi Apartments,
Flat No.G-3, Anandnagar Colony,
KHAIRATABAD, HYDERABAD - 4, Cell No.9848063869
(6) Sri Mulakapalli Venkata Ramana,
W/o Bodaiah
R/o Gowridevipet
Bhadrachalam, Khammam District.
(7) Sri Mulakapalli Venkaiah,
R/o Gowridevipet
Bhadrachalam, Khammam District

Copy to:
(7) The P.S. to Hon'ble Dy. Chief Minister (TW)
(8) The P.S. to Secretary (TW)
(9) The Director Printing, Stationary (for publication in the AP Gazette)
(10) SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER